UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,337	06/23/2003	Sang-Chul Hwang	1572:1130	7203

21171   7590   01/24/2008

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER
SANDOVAL, KRISTIN D

ART UNIT	PAPER NUMBER
2132	

MAIL DATE	DELIVERY MODE
01/24/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/600,337	HWANG ET AL.
	Examiner	Art Unit	
	Kristin D. Sandoval	2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>27 September 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-16</u> is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-16</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some *   c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____.

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-16 are pending.

Response to Arguments

2.   Applicant's arguments filed September 27, 2007 have been fully considered but they are

not persuasive.

Applicant argues that Mott fails to teach temporarily storing an identification of a user

computer within the virtual CD program when the virtual CD program is executed and storing

the user computer identification temporarily stored within the virtual CD program in the

downloaded virtual CD image file and comparing the user computer identification stored in the

virtual CD image file when the downloaded virtual CD image file is selected to be reproduced.

The examiner respectfully disagrees. Mott discloses a playback device being either virtual

(software) or hardware (playback device) (9:42-10:24), thus the playback software is a virtual

program that temporarily stores user ID's and compares them to ID's stored within the headers of

downloaded digital content which constitutes a downloaded virtual CD image file when executed

since if it's being downloaded to a player it is for playback (13:18-14:22, 14:55-15:57).

A virtual image file is merely digital content taken from a CD, thus digital content

constitutes a virtual image file that can be executed on a software player which would constitute

a virtual player. Mott specifically describes the playback software being treated identical to the

hardware player (9:42-56).

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found

in a prior Office action.

3.   Claims 1, 4-6 and 13-16 rejected under 35 U.S.C. 103(a) as being unpatentable over Mott

et al. (Mott), U.S. Patent No. 6,170,060 in view of Zeng, U.S. Patent No. 6,681,212.

As per claims 1 and 4-6:

Mott substantially teaches a method of preventing unauthorized use of a virtual compact

disc comprising:

temporarily storing an identification (9:42-10:24, 10:39-58);

accessing a server supplying a predetermined virtual CD image file through the user

computer; receiving a CD key transmitted from the server required for using the downloaded

virtual CD ;allowing the user to download the virtual CD image file supplied from the sever into

the user computer upon fulfillment of a request for an authentication number (11:50-12:17);

storing the identification temporarily stored within the virtual CD program in the

downloaded virtual CD image file (13:18-14:22);

comparing the identification temporarily stored within the virtual CD program with the

identification stored in the virtual CD image file when the downloaded virtual CD image file is

selected to be reproduced (14:55-15:57); and

interrupting reading the selected downloaded virtual CD image file through the virtual

CD program if the two identifications do not match (18:23-36).

Mott fails to disclose storing a CPU id of the user computer within the program.

However, Zeng discloses storing Computer Identification Numbers (CIN)'s within software (3:7-

40). It would have been obvious to one of ordinary skill in the art at the time of applicant's

invention to utilize the user computer id numbers in order to protect the content that does not

utilize encryption in order to allow a protected, simple, low cost means for copyright protection

and sales as taught by Zeng (2:44-50).

As per claims 13-16:

Mott further discloses:

A programmed computer processor that maintains an identification corresponding to the

downloading virtual CD device, stores the maintained identification in the downloaded virtual

CD during the downloading, and in response to an access to the downloaded virtual CD,

determines the accessible state according to a match between the maintained identification and

the identification of the downloaded virtual CD (13:18-15:57).

It would have been obvious to one of ordinary skill in the art at the time of applicant's

invention to utilize the user computer id numbers in order to protect the content that does not

utilize encryption in order to allow a protected, simple, low cost means for copyright protection

and sales as taught by Zeng (2:44-50).

4.   Claim 2 rejected under 35 U.S.C. 103(a) as being unpatentable over Mott in view of Zeng

and further in view of Morrison, U.S. PG-PUB 2003/0018895.

As per claim 2:

Mott and Zeng fail to teach the temporarily stored identification being read from a

CMOS-RAM of the user computer. However, Morrison discloses an ID being read from a

CMOS-RAM in a similar field of endeavor (paragraph 0078, table 1).

It would have been obvious to one of ordinary skill in the art at the time of applicant's

invention to read the identification from a CMOS-RAM because it eliminates the need to transfer

any keys therefore increasing security (paragraph 0035).

5.   Claim 3 rejected under 35 U.S.C. 103(a) as being unpatentable over Mott in view of Zeng

and further in view of Ezaki, U.S. Patent No. 7,035,827.

As per claim 3:

Mott and Zeng fail to teach the user driving a file transfer protocol to download the

virtual CD. However, Ezaki discloses FTP being used to download content onto a device

(14:38-46). It would have been obvious to one of ordinary skill in the art at the time of

applicant's invention to use FTP when downloading the content because it would be compatible

with most Rights Management and Protection systems (Ezaki, 3:34-38).

6.   Claims 7 and 10-12 rejected under 35 U.S.C. 103(a) as being unpatentable over Mott in

view of Hirano et al. (Hirano), U.S. Patent No. 7,146,508.

As per claims 7 and 10-12:

Mott substantially teaches a method comprising:

accessing a server supplying a predetermined virtual CD image file through the user

computer; receiving a CD key transmitted from the server required for using the downloaded

virtual CD ;allowing the user to download the virtual CD image file supplied from the sever into

the user computer upon fulfillment of a request for an authentication number (11:50-12:17);

storing the identification temporarily stored within the virtual CD program in the

downloaded virtual CD image file (13:18-14:22);

comparing the identification temporarily stored within the virtual CD program with the

identification stored in the virtual CD image file when the downloaded virtual CD image file is

selected to be reproduced (14:55-15:57); and

interrupting reading the selected downloaded virtual CD image file through the virtual

CD program if the two identifications do not match (18:23-36).

Mott fails to teach storing an id of a user computer in a predetermined register within the

user computer as designated by the virtual CD program. However, Hirano discloses a

predetermined read register that stores ID data (2:1-8). It would have been obvious to one of

ordinary skill in the art at the time of applicant's invention to store the ID in a predetermined

register in order for the program to know where to retrieve quickly.

7.   Claims 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Mott in view of

Hirano et al. (Hirano), U.S. Patent No. 7,146,508 and further in view of Morrison.

As per claim 8:

Mott and Hirano fail to teach the temporarily stored identification being read from a

CMOS-RAM of the user computer. However, Morrison discloses an ID being read from a

CMOS-RAM in a similar field of endeavor (paragraph 0078, table 1).

It would have been obvious to one of ordinary skill in the art at the time of applicant's

invention to read the identification from a CMOS-RAM because it eliminates the need to transfer

any keys therefore increasing security (paragraph 0035).

8.   Claims 9 rejected under 35 U.S.C. 103(a) as being unpatentable over Mott in view of

Hirano et al. (Hirano), U.S. Patent No. 7,146,508 and further in view of Ezaki.

As per claim 9:

Mott fails to teach the user driving a file transfer protocol to download the virtual CD.

However, Ezaki discloses FTP being used to download content onto a device (14:38-46). It

would have been obvious to one of ordinary skill in the art at the time of applicant's invention to

use FTP when downloading the content because it would be compatible with most Rights

Management and Protection systems (Ezaki, 3:34-38).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Kristin D. Sandoval whose telephone number is 571-272-7958.

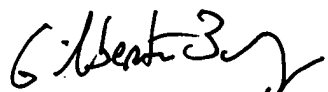The examiner can normally be reached on Monday - Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kristin D Sandoval
Examiner
Art Unit 2132

KDS

GILBERTO BARRON JR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100